IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 1428 of 2007

DATED: 8-3-2007

Between:

D.Lokeshwar Rao petitioner

And

Visakhapatnam Dock Labour Board
Rep by its deputy Chairman,
Visakapatnam Respondent

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THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 1428 of 2007

ORAL ORDER:

This writ petition is filed questioning the action of the respondent in not considering the case of the petitioner for employment on compassionate grounds, on the ground that his brother is employed in Cargo Handling Private Workers Pool.

The petitioner claims that he belongs to Schedule Caste community and passed B.A. from Andhra University. The father of the petitioner died on 13.3.2006 while in service and her mother submitted an application dated 17.4.2006 to provide employment to the petitioner on compassionate grounds. After submission of the application, the Personnel Officer of respondent Board vide letter dated 11.12.2006 advised the petitioner to submit the necessary certificates and accordingly the petitioner submitted the said certificates. The petitioner alleges that on verification in the office of the respondent Board, he was informed that his case is not being considered on the ground that his brother is employed. It is stated that in terms of the orders of this Court in W.P. No. 9558 of 2000 dated 19.4.2001, a case of similarly placed person by name Shankar was considered and he was appointed by proceedings dated 5.11.2006. Hence, the present writ petition.

Learned counsel for petitioner submitted that the matter is squarely covered by the orders of this Court dated 19.4.2001 in W.P. No. 9558 of 2000 as confirmed by judgment of the Division Bench in W.A. No. 853 of 2001 dated 27-9-2006. It is further submitted that the brother of the petitioner is employed in a private firm and is living separately and on that ground the case of the petitioner cannot be rejected.

Heard learned counsel for petitioner and learned Standing Counsel for respondent Board. Both counsel agreed for disposal of the writ petition at the admission stage.

The issue raised in the present case is similar to the issue raised in W.P. No. 9558 of 2000 wherein the step brother of the petitioner therein employed in Cargo Handling Private Workers Pool made a counter claim and on that ground the case of the petitioner therein was not considered. This Court by order dated 19.4.2001 allowed the said writ petition directing the respondents therein to provide employment to the petitioner therein on compassionate grounds. Learned Standing Counsel for respondent admitted that the orders passed in W.P. No. 9558 of 2000 were confirmed by the Division Bench in W.A No 853 of 2001 dated 27.9.2006 and have become final.

In the circumstances, following the orders passed in W.P. No. 9558 of 2000 dated 19.4.2001, the writ petition is disposed of with the following direction;

The respondents are directed to consider the case of the petitioner for employment on compassionate grounds without reference to employment of his brother in Cargo Handling Private Workers Pool and pass appropriate orders in accordance with law expeditiously, preferably within a period of two months from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 8.3.2007
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THE HON'BLE MR JUSTICE N.V. RAMANA

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